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Michael Kaplan

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FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL KAPLAN, KIRK B. GOULD,
and BRANDYN WEBB

Appeal 2009-014395
Application 09/594,054
Technology Center 2100

Before KALYAN K. DESHPANDE, JASON V. MORGAN, and
MICHAEL R. ZECHER, *Administrative Patent Judges*.

MORGAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Introduction

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 – 46. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

Exemplary Claim

1. A method comprising:
receiving a first user input on a client device
bookmarking a remote destination displayed on the client device;

in response to the first user input, storing a link to the destination and a link to a remote bookmark media object associated with the destination on the client device;

receiving a second user input on the client device
requesting a display of a bookmark window;

in response to the second user input, displaying a bookmark window, retrieving the remote associated bookmark media object, including in the displayed bookmark window a bookmark for the destination and the retrieved remote associated bookmark media object, the retrieved remote associated bookmark media object providing a representation of the destination;

receiving a third user input on the client device selecting the remote associated bookmark media object displayed in the bookmark window; and

in response to the third user input, accessing the destination.

Evidence Examiner Relies Upon

Horvitz	US 6,085,226	July 4, 2000
Shuping	US 6,313,855 B1	Nov. 6, 2001
		(filed on Feb. 4, 2000)

Smethers

US 6,560,640 B2

May 6, 2003
(filed on Jan. 22, 1999)

Examiner's Rejection

The Examiner rejects claims 1 – 3, 5, 6, 8 – 11, 13 – 24, and 26 – 46 under 35 U.S.C. § 103(a) as being unpatentable over Horvitz and Smethers.

The Examiner rejects claims 4, 7, 12, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Horvitz, Smethers, and Shuping.

Appellants' Contentions

The client device recited by claim 1 stores both a link to the destination (*e.g.*, the destination address disclosed by Horvitz) and a link to a bookmark media object associated with the destination. The cited section fails to disclose or suggest storing any link other than a link to a destination. Thus, storing a link to a remote bookmark media object associated with a destination in addition to storing a link to a destination is plainly absent from Horvitz.

(App. Br. 4 - 5).

“Neither Horvitz nor Smethers disclose or suggest the generation and storage of bookmark media objects, each providing a representation of a network destination, in the computing environment of the network destinations” (App. Br. 7).

Examiner's Findings and Reasoning

“Horvitz at col. 7, line 60 through col. 8, line 10, discloses a networked connection between client computer and server computer, wherein user selecting amongst a stored list of addresses, i.e. so-called ‘bookmarks’ to access a particular URL to retrieve a webpage from an external server” (Ans. 5).

The examiner respectfully notes that (Horvitz at col. 4, lines 29 – 45), discloses once a user, at a client computer, enters an address (e.g. a URL) of a desired web page (i.e. link number one to external site), a set containing web addresses of pages (link number two internally), are stored in local cache at the client computer for ready access should the user next select that particular page. As successive web pages are selected by the user and displayed, the immediately prior set of files for prefetched pages can be over-written by files for a current set of prefetched pages, also (see Horvitz Fig. 15A-15B); and furthermore (see Smethers at col. 2, lines 35 – 55 through col. 3, line 55 and col. 4, lines 1 – 15), discloses a compact request from a wireless device to an intermediate server when requesting a document or file by selection of a bookmark and a remote server using a user interface of a wireless client device, one embodiment of the invention includes the operations of obtaining a compact bookmark identifier for a selected bookmarked document, and transmitting a compact request including the compact bookmark identifier to a translation server.

(Ans. 18 – 19).

ISSUE

Did the Examiner err in finding that the combination of Horvitz and Smethers teaches or suggests a bookmark media object that provides a representation of a destination?

FINDINGS OF FACT

1. Horvitz discloses that

once a user, at a client computer, enters an address (e.g. a URL) of a desired web page, a set containing web

addresses of pages, that based on the user model are each likely to be accessed next, in the same session, or within a given time horizon thereof by that user, are determined, with corresponding files for those pages prefetched by the client computer during intervals of low processing activity and/or low network activity, or when an incremental rate of change in utility, of continuing current activity is determined to be lower than an expected value of the utility of fetching potential future content. Once prefetched, the file for each page is stored in local cache at the client computer for ready access should the user next select that particular page. As successive web pages are selected by the user and displayed, the immediately prior set of files for prefetched pages can be over-written by files for a current set of prefetched pages.

(Col. 4, ll. 28 – 44).

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments (Appeal Brief and Reply Brief) that the Examiner has erred. We concur with Appellants' conclusion that the Examiner erred.

Claim 1 recites "in response to the first user input, storing a link to the destination and a link to a remote bookmark media object associated with the destination on the client device" and a "retrieved remote associated bookmark media object *providing a representation of the destination*" (emphasis added). Claims 22 and 31 have similar recitations. Claim 13 recites generating a set of, storing, updating, and providing "bookmark media objects, each bookmark media object *providing a representation of the corresponding network destination*" (emphasis added). Claim 40 has similar recitations to claim 13.

The Examiner finds that the link to a remote bookmark media object is taught or suggested by the disclosure in Horvitz of determining and storing a set containing web addresses of pages after a destination/address is entered by the user (Ans. 17 – 18; FF 1). The pages that Horvitz identifies are pages “that based on the user model are each likely to be accessed next, in the same session, or within a given time horizon” after the user has entered an address of a desired web page (FF 1). In other words, we find that Horvitz’s disclosure, at best, teaches or suggests predicting the user’s probable future destinations as a function of the destination entered by the user. Even if these probable future destinations are web page thumbnails, audio streams, video streams, or a combination thereof, we find that Horvitz does not teach or suggest that any of these probable future destinations provides a representation of a destination.

Accordingly, the Examiner erred in finding that Horvitz teaches or suggests the claimed bookmark media object that provides a representation of a destination. Further, we find that Smethers does not cure the noted deficiency in the Examiner’s rejection.

Since independent claims 13, 22, 31, and 40 recite similar claim limitations to independent claim 1, we find that the Examiner erred in rejecting these claims for the same reasons set forth in our discussion of independent claim 1. Dependent claims 2 – 12, 14 – 21, 23 – 30, 32 – 39, and 41 – 46 incorporate by reference the same or similar claim limitation as independent claim 1 and therefore the Examiner erred in rejecting these claims for the same reasons set forth in our discussion of independent claim 1.

CONCLUSIONS OF LAW

We conclude that the Examiner erred in finding that the combination of Horvitz and Smethers teaches or suggests a bookmark media object that provides a representation of a destination.

DECISION

We reverse the Examiner's decision rejecting claims 1 – 46.

REVERSED

ELD